

INCIDENT NUMBER		SAN DIEGO REGIONAL ADDITIONAL VICTIMS/WITNESSES/OTHERS				PAGE 1 OF 91		CASE NUMBER 1207248	
LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, Mount Laguna, CA 91950						BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	

VICTIM / WITNESS	V	W-TYPE 06	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) [REDACTED]						
	RESIDENCE ADDRESS, CITY STATE ZIP [REDACTED]								PHONE (Home) [REDACTED]
	RACE O	SEX M	DATE OF BIRTH [REDACTED]	ID TYPE DL	ID NUMBER [REDACTED]	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N
	STATUS E	EMPLOYER / SCHOOL EAT AND GO DELI			OCCUPATION / RANK / GRADE CLERK		DAYS OFF Vary	WORK HOURS Vary	
	BUSINESS ADDRESS, CITY STATE ZIP 530 W 21ST ST, NATIONAL CITY, CA 91950								VW ASSIST N
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)								

VICTIM / WITNESS	W	W-TYPE 06	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) [REDACTED]						
	RESIDENCE ADDRESS, CITY STATE ZIP [REDACTED]								PHONE (Home) [REDACTED]
	RACE H	SEX F	DATE OF BIRTH [REDACTED]	ID TYPE DL	ID NUMBER [REDACTED]	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N
	STATUS E	EMPLOYER / SCHOOL [REDACTED]			OCCUPATION / RANK / GRADE [REDACTED]		DAYS OFF Sat - Sun	WORK HOURS 10:00-17:00	
	BUSINESS ADDRESS, CITY STATE ZIP [REDACTED]								VW ASSIST N
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)								

VICTIM / WITNESS	W	W-TYPE 06	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) [REDACTED]						
	RESIDENCE ADDRESS, CITY STATE ZIP [REDACTED]								PHONE (Work) [REDACTED]
	RACE H	SEX M	DATE OF BIRTH [REDACTED]	ID TYPE DL	ID NUMBER [REDACTED]	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT A
	STATUS E	EMPLOYER / SCHOOL [REDACTED]			OCCUPATION / RANK / GRADE [REDACTED]		DAYS OFF Vary	WORK HOURS 08:00-17:00	
	BUSINESS ADDRESS, CITY STATE ZIP [REDACTED]								VW ASSIST N
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)								

VICTIM / WITNESS	W	W-TYPE 06	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) [REDACTED]						
	RESIDENCE ADDRESS, CITY STATE ZIP [REDACTED]								PHONE (Home) [REDACTED]
	RACE H	SEX F	DATE OF BIRTH [REDACTED]	ID TYPE DL	ID NUMBER [REDACTED]	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT R
	STATUS U	EMPLOYER / SCHOOL [REDACTED]			OCCUPATION / RANK / GRADE [REDACTED]		DAYS OFF	WORK HOURS	
	BUSINESS ADDRESS, CITY STATE ZIP [REDACTED]								VW ASSIST N
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)								

REPORTING OFFICER Ybarra	ID# 381	DIVISION INV	APPROVED BY Smith	ID# 334	DATE AND TIME OF REPORT 01/14/2014 09:07
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INCIDENT NUMBER		SAN DIEGO REGIONAL ADDITIONAL VICTIMS/WITNESSES/OTHERS				PAGE 2 OF 91		CASE NUMBER 1207248							
LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, Mount Laguna, CA 91950						BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014							
VICTIM / WITNESS	W-TYPE W	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) 06 PRIETTO, JOHN JOSEPH													
	RESIDENCE ADDRESS, CITY STATE ZIP						PHONE (Work)								
	W	M	ID TYPE DL	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N							
	STATUS E	EMPLOYER / SCHOOL AMERICAN MEDICAL RESPONSE				OCCUPATION / RANK / GRADE PARAMEDIC		DAYS OFF Vary	WORK HOURS Vary						
	BUSINESS ADDRESS, CITY STATE ZIP 8808 BALBOA Ave, #110, SAN DIEGO, CA 92123						PHONE (Home)		V/W ASSIST N						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)														
VICTIM / WITNESS	W-TYPE W	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) 06 HLUZ, AHMED													
	RESIDENCE ADDRESS, CITY STATE ZIP						PHONE (Work) (858) 492-								
	RACE O	SEX M	DATE OF BIRTH	ID TYPE DL	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N						
	STATUS E	EMPLOYER / SCHOOL AMERICAN MEDICAL RESPONSE				OCCUPATION / RANK / GRADE PARAMEDIC		DAYS OFF Vary	WORK HOURS Vary						
	BUSINESS ADDRESS, CITY STATE ZIP 8808 BALBOA Ave, #150, SAN DIEGO, CA 92123						PHONE		V/W ASSIST N						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)														
VICTIM / WITNESS	W-TYPE W	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) 12													
	RESIDENCE ADDRESS, CITY STATE ZIP						PHONE (Work)								
	W	M	DATE OF BIRTH	ID TYPE DL	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N						
	STATUS E	EMPLOYER / SCHOOL SOUTHWESTERN COLLEGE PARAMEDIC TRAINING PROGRAM				OCCUPATION / RANK / GRADE PROGRAM DIRECTOR		DAYS OFF Vary	WORK HOURS Vary						
	BUSINESS ADDRESS, CITY STATE ZIP 8100 GIGANTIC Ave, SAN DIEGO, CA 92154						PHONE (Mobile)		V/W ASSIST N						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)														
VICTIM / WITNESS	W-TYPE W	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION) 13 YBARRA, A													
	RESIDENCE ADDRESS, CITY STATE ZIP						PHONE (Work) (619) 336-4488								
	RACE	SEX	DATE OF BIRTH	ID TYPE NC	ID NUMBER 381	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N						
	STATUS E	EMPLOYER / SCHOOL CITY OF NATIONAL CITY				OCCUPATION / RANK / GRADE DETECTIVE CORPORAL		DAYS OFF Vary	WORK HOURS Vary						
	BUSINESS ADDRESS, CITY STATE ZIP 1200 NATIONAL CITY BL, NATIONAL CITY, CA 91950						PHONE		V/W ASSIST N						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)														
<table border="1"> <tr> <td>REPORTING OFFICER Ybarra</td> <td>ID# 381</td> <td>DIVISION INV</td> <td>APPROVED BY Smith</td> <td>ID# 334</td> <td>DATE AND TIME OF REPORT 01/14/2014 09:07</td> </tr> </table>										REPORTING OFFICER Ybarra	ID# 381	DIVISION INV	APPROVED BY Smith	ID# 334	DATE AND TIME OF REPORT 01/14/2014 09:07
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LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, Mount Laguna, CA 91950						BEAT 24	DISTRICT	DATE 12/1/2012 - 1/14/2014	

VICTIM / WITNESS	<input type="checkbox"/> W-TYPE		VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)								
	<input checked="" type="checkbox"/> W		<input checked="" type="checkbox"/> 12		LUCAS, JONATHAN R M.D.						
	RESIDENCE ADDRESS, CITY STATE ZIP								PHONE (Work) (858) 694-2895		
	RACE W	SEX M	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N		
	STATUS E	EMPLOYER / SCHOOL SAN DIEGO COUNTY MEDICAL EXAMINER'S OFFICE				OCCUPATION / RANK / GRADE MEDICAL EXAMINER		DAYS OFF Vary	WORK HOURS Vary		
	BUSINESS ADDRESS, CITY STATE ZIP 5570 OVERLAND Ave, SAN DIEGO, CA 92123								PHONE		V/W ASSIST N
ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)											

VICTIM / WITNESS	<input type="checkbox"/> W-TYPE		VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)								
	<input checked="" type="checkbox"/> W		<input checked="" type="checkbox"/> 12		MALAMENTOS, MARK						
	RESIDENCE ADDRESS, CITY STATE ZIP								PHONE (Work) (858) 694-2895		
	RACE W	SEX M	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE No	RELATION TO: VICTIM SUSPECT N		
	STATUS E	EMPLOYER / SCHOOL SAN DIEGO COUNTY MEDICAL EXAMINER'S OFFICE				OCCUPATION / RANK / GRADE MEDICAL EXAMINER INVESTIGATOR		DAYS OFF Vary	WORK HOURS Vary		
	BUSINESS ADDRESS, CITY STATE ZIP 5570 OVERLAND Ave, SAN DIEGO, CA 92123								PHONE		V/W ASSIST N
ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)											

VICTIM / WITNESS	<input type="checkbox"/> W-TYPE		VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)								
	RESIDENCE ADDRESS, CITY STATE ZIP								PHONE		
	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE	RELATION TO: VICTIM SUSPECT		
	STATUS	EMPLOYER / SCHOOL				OCCUPATION / RANK / GRADE		DAYS OFF	WORK HOURS		
	BUSINESS ADDRESS, CITY STATE ZIP								PHONE		V/W ASSIST
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)										

VICTIM / WITNESS	<input type="checkbox"/> W-TYPE		VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)								
	RESIDENCE ADDRESS, CITY STATE ZIP								PHONE		
	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE	RELATION TO: VICTIM SUSPECT		
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	BUSINESS ADDRESS, CITY STATE ZIP								PHONE		V/W ASSIST
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PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm					
ADDITIONAL CODE SECTION(S)					
LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, Mount Laguna, CA 91950					

NOTIFICATION

On Saturday, December 1st, 2012, at about 1230 hours, I was officially called out by Detective Sergeant Leach to investigate a possible death in custody. I had been previously been briefed by Sergeant Leach of an attempted robbery that patrol officers were investigating. After the male suspect was taken into custody, the suspect had s [REDACTED]. The details of this incident were not clear. I was working at the Southwestern College Police Academy when I responded. Sergeant Leach assigned me as the lead detective for this investigation.

CASE SYNOPSIS

On 12/01/2012, 32 year old Manuel Tomas Martinez walked into the "Eat and Go Deli," located at 530 W. 21st Street in National City. The deli is a small business that sits just north next to the E. 24th Street Trolley Station. The only employee working at the deli was [REDACTED]. There was a female customer ([REDACTED]) also inside the store when Martinez arrived.

Martinez walked over to the register counter and stood there as if he was waiting to be assisted. [REDACTED] walked over to Martinez, from the employee side of the counter, and asked him if he could help him. Martinez did not acknowledge [REDACTED]. Martinez just stood there with a blank stare in his eyes.

Without saying a word, Martinez walked around the register counter through to the opening that led into the employee's only section. [REDACTED] confronted Martinez before he walked past the counter. [REDACTED] told Martinez he could not enter that area, it was for employees only. Without saying a word, Martinez began to violently assault [REDACTED]. Martinez struck [REDACTED] several times on the face with his fists. Martinez aggressively kicked and punched [REDACTED]. The momentum of the assault pushed [REDACTED] backwards into a back storage room. Terrified, [REDACTED] attempted to cover himself from Martinez' punches and kicks.

Afraid of what was to come next, [REDACTED] armed himself with a hotplate and held it over his head. Martinez ran out of the storage room, grabbed a laptop that was on the register counter and threw it at [REDACTED]. The laptop struck [REDACTED] on his back.

Martinez suddenly stopped attacking [REDACTED] and focused his attention on the retail display area of the deli. By now, [REDACTED] had run out of the store. Martinez walked out from behind the register counter and began to knock over all the display fixtures. Causing all the display items to scatter and spill all over the floor. [REDACTED] saw this as his opportunity to run out of the deli.

Once outside, [REDACTED] saw there was a small crowd of people who were looking into the deli. Some were on their cellular telephones. A female bystander gave [REDACTED] permission to use her cellular phone to call the police. [REDACTED] was unable to notify the police of the incident. Every time he would dial 911 a female would answer the call by saying, "California Highway Patrol." [REDACTED] hung up on the dispatcher at least two times. He wanted to contact the National City Police Department.

Moments later, [REDACTED] saw a uniformed motor officer arrive. Sergeant Young was that officer. Sergeant Young overheard someone say, "The guy in the store has a gun."

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ORIGINAL - 01/24/2014

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Sergeant Young drew his handgun and took cover [REDACTED]. He could clearly see the register area inside the deli. Sergeant Young could see the suspect (Manuel Tomas Martinez) inside the deli. Martinez was drinking what appeared to be an energy drink and was possibly eating something. Sergeant Young at gunpoint ordered Martinez to the ground. Martinez ignored all of his commands. Martinez' behavior led Sergeant Young to believe Martinez was agitated, irritated, confused or under the influence of controlled substance.

[REDACTED] told Sergeant Young that Martinez was the suspect. Sergeant Young began to broadcast updates over his police radio. Sergeant Meeks arrived on scene and took a [REDACTED] position. As Sergeant Young broadcasted the updated information, Sergeant Meeks saw a person matching Martinez' description run out of a warehouse just north of the deli. Martinez had exited the deli through a rear door located in the back storage room. The door led to a neighboring self-storage business.

530 W. 21st Street is the attached to a large building that is part of a self-storage facility at "Extra Space Storage," 520 W. 20th Street. The storage facility has (4) separate buildings north of the deli. All of the buildings run parallel with the trolley tracks in a northern/southerly direction.

Martinez ran through the middle of two storage buildings and eventually hoped west over an 8' foot steel picket fence that had concertina wire on top. This led to the trolley tracks next to the self-storage facility. Martinez ran north along the trolley tracks for a considerable distance. Once over the W. 18th Street, bridge, Martinez ran off the trolley tracks and continued to run northbound alongside of a chain-linked fence. Martinez then ran down an embankment that led to an on-ramp. It was the on-ramp from W. 18th Street that leads to Harbor Drive.

There was a white [REDACTED] pickup truck parked in front of a green [REDACTED] along the west easement of the onramp. Martinez ran down the embankment, which was covered by ice plant and dove head first into the bed of the [REDACTED]. This was witnessed by police officers and the drivers of the vehicles just mentioned.

Uniformed officers, Corporal Klos and Officer Stinnett arrived on scene as Martinez dove into the back of the bed of the [REDACTED]. Corporal Klos drew his police issued [REDACTED], pointed it at Martinez, and ordered him not to move. Martinez was bleeding from him mouth and face. Officer Stinnett climbed into the bed of the truck to arrest Martinez. Officer Stinnett was able to handcuff Martinez' right hand. Martinez had his left hand secreted under his body as he laid face down on the bed of the pickup truck. Both officers ordered Martinez to show his left hand. Martinez disobeyed their commands and kept his left hand tight under his body.

Corporal Klos punched Martinez several times on the left side of his face in order to distract Martinez and get him to comply. Corporal Klos' punches were ineffective. Corporal Klos holstered his [REDACTED] and drew his police baton. Corporal Klos struck Martinez several times on his upper left arm in an attempt to achieve compliance. Those strikes were also ineffective.

At the same time, Officer Stinnett held on to the handcuffs that were on Martinez' right hand and punched Martinez several times on his face in an attempt to achieve compliance. Those punches were also ineffective. Martinez did not comply with their commands and increased his resistance by tightening up his body and kept his left hand under the area of his torso. Martinez also started to kick his feet around. Sergeant Meeks arrived and deployed his [REDACTED] in

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PRIMARY CODE SECTION PC 245A1 - Assault with a deadly weapon or instrument other than a firearm					
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LOCATION OF INCIDENT, CITY STATE ZIP 530 W 21ST ST, Mount Laguna, CA 91950					

the [REDACTED] mode in the middle of Martinez' back. This caused Martinez to place his left hand on his back. Stinnett was able to handcuff Martinez. Stinnett exited the bed of the truck and lowered the tailgate.

Corporal Klos and Officer Stinnett both slid Martinez back toward the street feet first. The officers assisted Martinez to his feet. Initially, Martinez refused to stand on his own. Officers instructed him to stand up. Martinez stood up and was walked to the hood of a nearby patrol vehicle. Once at the right quarter panel of Corporal Klos' patrol vehicle Officer Stinnett and Corporal Klos began to conduct a more thorough search of Martinez.

With Martinez facing the hood of the patrol vehicle and bent forward at the waist, Corporal Klos searched the left side of Martinez. Corporal Klos also removed Martinez' left shoe. As he did that, Martinez began to resist again by trying to move his body around. Officer Stinnett searched the right side of Martinez. As Officer Stinnett removed his right shoe, Martinez attempted to kick him. Martinez was able to move his hands to the front portion of his waistband and rigidly tensed his arms and body. Officers feared Martinez was attempting to retrieve some type of weapon from his waistband to assault them. Corporal Klos and Officer Stinnett guided Martinez to the ground in an attempt to control him.

While on the ground, Martinez attempted to kick Officer Stinnett several times. Officer Stinnett kicked Martinez on his right thigh with his right foot in order to stop Martinez from trying to kick him. Both Corporal Klos and Officer Stinnett knelt next to Martinez to try and control him. Officer Stinnett was trying to control Martinez' legs and feet. Corporal Klos was trying to control Martinez' upper torso and head. Martinez continued to violently resist the officers by trying to twist his body and kick his feet into the asphalt.

Martinez continued to actively resist and told the officers, "I have a weapon!" Fearing for his safety, Officer Stinnett drew his department issued [REDACTED] and [REDACTED] it in the [REDACTED] mode on Martinez' lower back. This caused Martinez to yell out loud and temporarily calmed him down. Suddenly, Martinez began to shout out loud, "You don't know who I am. I'm Ghost. Fuck you!" Martinez continued to violently resist. Detective Corporal Shephard arrived on scene. Corporal Shephard was wearing his full police uniform.

Officer Stinnett and Corporal Shephard attempted to immobilize Martinez' feet and legs by attempting to deploy a department approved [REDACTED]. Officers struggled with Martinez to get the leg restraint on him. Even after the leg restraint had been applied, Martinez continued to violently resist. Subsequently, additional officers were able to remove Martinez' hands from his waistband and used a hinged handcuff to restrict his movements.

After a violent and continuous struggle, Martinez was taken into custody by several officers. Please refer to all of the attached supplemental police reports for all the details of their accounts of this incident. Martinez sustained several injuries to his head and face as a result of jumping into the bed of the [REDACTED] truck head first. Officers requested for paramedics to respond to evaluate the injuries Martinez had sustained.

NCPD Fire Department arrived first on scene. They all saw Martinez non-complainant behavior. Medical personnel from American Medical Response (AMR) arrived on scene shortly after. It was unit 494. The paramedics assigned to this unit were Ahamed Hluz and John Joseph Prietto.

Both paramedics could all see Martinez continued to violently resist the officers as they held him down to the ground. Eventually, Martinez was placed onto a gurney with full restraints to prevent him from hurting himself or others.

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While on the gurney Paramedic Prietto decided to [REDACTED] Per the San Diego County EMS Protocol/Policies [REDACTED]

About a minute after Martinez [REDACTED] he calmed down. The handcuffs were removed and he was restrained with straps to the gurney. Martinez was placed in the back of the ambulance to transport. While in the back of the ambulance Martinez [REDACTED] Paramedics immediately began to [REDACTED] They were able to [REDACTED] Both Prietto and Hluz remained in the back of the ambulance attending to Martinez while NCFD Firefighter Benjamin Garcia drove the ambulance to UCSD Medical Center.

[REDACTED]

Martinez was admitted and remained in the Intensive Care Unit at UCSD Medical Center. [REDACTED] Martinez expired on December 5th, 2012 at 0317 hours.

On December 6th, 2012, Chief Deputy Medical Examiner Dr. J. Lucas from the San Diego Office of the Medical Examiner performed the autopsy on Martinez.

On 05/02/2013, I received an electronic copy of Martinez' autopsy report. Chief Deputy Medical Examiner, Dr. J. Lucas, certified Martinez' death as "complications of resuscitative cardiopulmonary arrest due to acute methamphetamine intoxication, and the manner of death as accident." Please refer to Dr. Lucas' complete autopsy report for detailed information.

Based on the aforementioned facts and no evidence of criminal wrongdoing from public safety or emergency services personnel this investigation is now closed.

ORIGIN

On 12/01/2012, at about 1016 hours, the National City Police Department received numerous 911 calls reporting a possible robbery in progress at the "Eat and Go Trolley Deli," 530 W. 21st Street in National City. Multiple officers responded to this location. The male suspect was reported to still be inside the business. He was described as White male adult in his 30's with numerous tattoos. He wore a white t-shirt and blue jeans. The suspect was possibly armed with a knife.

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INVESTIGATION

Background:

During the investigation, it was discovered that Manuel Thomas Martinez had been recently released from a California State Prison. He was discharged from the Richard J. Donovan Correctional Facility on 11-20-12. We were also made aware he had several major untreated preexisting medical issues.

On 03-24-2005, Martinez was admitted into Paradise Valley Hospital (PVH) and was [REDACTED]. During this episode Martinez was aroused from his [REDACTED]. It was reported on the medical log that Martinez became [REDACTED]. He was [REDACTED] and later discharged from PVH.

I arrived to NCPD at about 1300 hours and waited for the other detectives. I was told by Detective Walters, Sergeant Meeks, Corporal Klos and Officer Stinnett where some of the officers involved with the apprehension of Manuel Thomas Martinez. Sergeant Meeks was one of the on-duty patrol supervisors at the time of incident. All three patrol officers were in the NCPD Investigations bay waiting to brief detectives. Martinez was in the Intensive Care Unit at UCSD. Officer Barawed was with him at the hospital.

At about 1320 hours, NCPD detectives were briefed by Patrol Sergeant Meeks and all the police patrol personnel who had witnessed the incident. During our briefing, we were told that the initial call had gone out as a "robbery in progress at a deli located next to the E. 24th Street trolley station."

During their initial response, the exact address to the business had not been provided. Multiple officers responded to that area. As the officers were responding, NCPD dispatch provided an update that the suspect was possibly inside the business armed with a knife and someone had been possibly shot. The suspect was described a White/Hispanic male with tattoos. This was the preliminary information we, detectives, were given.

After receiving the patrol briefing, I assigned detectives different tasks:

- Detectives Nagle, Villariasa and Investigator DiZinno were to locate Martinez' place of residence, secure a search warrant if required and interview anyone they located there.
- Detective Wilkins and Crime Scene Specialist Kirkendall were to document and process the two crime scenes.
- Lieutenant Tellez and Sergeant Leach assisted Detective Wilkins with crime scene containment.
- Sergeant Cordero interviewed (2) eye-witnesses, [REDACTED] and [REDACTED].
- Officer Dougherty interviewed NCPD firefighter/paramedic Michael Sosamon.
- Detective Villariasa interviewed AMR Paramedic John Pireto and NCPD Fire Captain Mark Gundert.
- Investigator DiZinno interviewed AMR Paramedic Ahamed Hluz and NCPD Fire Captain Benjamin Garcia.

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• Detective Walters and I interviewed [REDACTED] He was the victim clerk from the deli. Detective Walters acted as my co-case agent.

Interview [REDACTED] (VICTIM/WITNESS)

At 12-01-13, at about 1402 hours, Detective Walters and I met with [REDACTED] at the National City Police Department. [REDACTED] provided us a statement of the turn of events that led to Martinez' apprehension. The entire interview was audio/video recorded. This report only contains a synopsis of our communication. The interview is available for review in its entirety.

Synopsized Statement [REDACTED] (VICTIM/WITNESS)

[REDACTED] resides at [REDACTED] in National City.

Detective Walters showed a photographic lineup that contained an image of Martinez. [REDACTED] positively identified Martinez as the person who had assaulted him earlier in the day.

On 12/01/12, at about 1016 hours, he was working as a clerk at the Trolley Side Deli & Minimart located at 530 W. 21st Street in National City. [REDACTED] was at the refrigerator on the southwest of the business when the suspect, later identified as Manuel Tomas Martinez, entered the business and went to the front counter. [REDACTED] went behind the counter and asked Martinez, "May I help you?"

Martinez walked behind the front counter and approached [REDACTED]. [REDACTED] told Martinez he was not supposed to be behind the counter. Martinez began to punch [REDACTED] in the face several times causing [REDACTED] to stumble back and turn around. Martinez punched [REDACTED] on the back and pushed him through the doorway to the back room. [REDACTED] fell against a freezer hitting his right cheek on a shelf, both elbows and both shins on the freezer.

[REDACTED] picked up a hotplate from the back storage room and held it up to block on-going punches from Martinez. Martinez returned to the register counter, picked up [REDACTED] laptop computer and threw it at [REDACTED]. The laptop struck [REDACTED] on his back.

Martinez went to the customer area and tipped over some shelves spilling merchandise all over the floor. [REDACTED] saw the opportunity to run out of the business, so he did. Once outside, he asked other people to call the police and eventually met with a police officer.

INVESTIGATION CONTINUED

After the interview we gave [REDACTED] a ride back to the Deli. His father was there and remained with him until the 1st crime scene was processed. Detective Walters and I walked the crime scene together. The small deli appeared to have been ransacked. Several display items were scattered around the floor. Officer Sakamoto was providing outside security at this scene. Detective Wilkins was doing the documentation. Detective Walters and I left that scene and drove to the 2nd crime scene located at the W 18th Street on-ramp to Harbor Drive.

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When we arrived, the scene was being protected by yellow crime scene tape and a marked police car. Crime Scene Specialist (CSS) Kirkendall was processing that scene. Detective Walters, CSS Kirkendall and I walked that scene together. While at the scene, I decided to collect the impact weapon and Tasers that were used during this incident by the officers as evidence. Detective Walters and I left the second scene and drove to NCPD to collect the aforementioned non-lethal weapons.

At NCPD, I collected Sergeant Meeks' and Officer Stinnett's Tasers and Corporal Klos' baton as evidence. I stored them inside the evidence room in the Investigations Division. I replaced all of the equipment for the three officers.

On 12-01-12, at about 1745 hours, Detective Walters and I went to UCSD Medical Center to check on Martinez condition. On our arrival, we were directed to the Intensive Care Unit. I met and spoke with Dr. [REDACTED], physician ID# [REDACTED]. Dr. [REDACTED] was participating in the Surgery Residency Program at UCSD.

Dr. [REDACTED] told me Martinez was [REDACTED]. I assigned Officer Barawed to collect a blood specimen from Martinez for testing. Martinez had been preliminary tested from drugs when he was admitted into UCSD. He had tested positive for amphetamines. I informed the hospital nursing staff and physicians that Martinez was not under arrest. I requested they notify us if there was any change in his condition.

On 12-03-12, at 0849 hours, I called UCSD Medical Center for an update on Martinez' condition. Martinez was [REDACTED].

On 12-03-12, at about 1310 hours, Officer Walters and I took Investigator DiZinno to the 1st crime scene to collect a copy of the surveillance videos from the deli and the neighboring business from the date of the incident. Please refer to Investigator Assistant Dizinno's supplemental report for more information.

On 12-03-12, at about 1414 hours, I called UCSD Medical Center to get and update on Martinez. [REDACTED]

On 12-04-12, I spoke with the female witness, [REDACTED], over the telephone. [REDACTED] was the only customer inside the deli the day Martinez attacked [REDACTED]. She had moved to Mississippi. Her statement was the same she had given to Sergeant Graham Young. Please refer to Sergeant Young's supplemental report for details. I documented [REDACTED] new telephone number and home address.

On 12-05-12 at 0317 hours, Martinez was pronounced dead at UCSD Medical Center due to organ failure. The San Diego County Medical Examiner's Office took custody of Martinez' body. I assigned Detective Walters and CSS Kirkendall to the autopsy.

On 12-05-12, at about 1400 hours, Detective Walters and I met with Martinez' brother, [REDACTED] and Martinez' mother, [REDACTED] at NCPD. We met with them and documented there statements. The entire communication was audio recorded. Their statements were later transcribed and attached to this report.

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In his statement, [REDACTED], told us his brother had preexisting medical conditions that had been untreated. He also identified Martinez as a known smoker and drinker. Martinez was also a known poly drug user. He had known [REDACTED] and [REDACTED] problems; [REDACTED] and a [REDACTED] history of [REDACTED]. The following is a transcription of our communication. The original recording is available for review.

AGENCY: NCPD

CASE NO.: 1207248

INTERVIEW OF:

[REDACTED]

INTERVIEWED BY:

DETECTIVE ANTONIO YBARRA
DETECTIVE WADE WALTERS

TRANSCRIBED BY: Beatrice Gonzalez

1207248: INTERVIEW OF NUNO FAMILY

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The following is a transcription of [REDACTED] and [REDACTED]. This interview is being conducted at the National City Police Department. Present in the interview are Detective Antonio Ybarra, Detective Wade Walters, [REDACTED] and [REDACTED].

Detective Ybarra will be referred to as "AY" and Detective Walters will be referred to as "WW", [REDACTED] will be referred to as [REDACTED] and [REDACTED] will be referred to as [REDACTED].

AY: Got some parts there...

[REDACTED] You know that, from my, [REDACTED] called me later that night you know irate and I'm trying to put the puzzle together you know its slowly dissecting everything. That's pretty much what I kind of got why this, and nobody really knows you know and that's kind of the main reason why we want to come in too.

AY: Absolutely.

[REDACTED] Is to get the full story.

AY: So before we get started, let me just get some formalities out of the way and this way we can get started, okay? All right, today is ah, I'm pretty sure it's December the 5th, ah 20-12, it is Wednesday; it's three o'clock in the afternoon. We're at the National City Police Department. Ah present in the room with me is Detective Wade Walters. Can you please ah give us your first and last names, spell your last name.

[REDACTED] Ah [REDACTED]

AY: Ma'am can you do the same?

[REDACTED] [REDACTED]

AY: Same thing...

[REDACTED] [REDACTED], I mean [REDACTED]

AY: Thank you and my name is Detective Antonio Ybarra. I'm the ah, the lead detective on this investigation. And this is reference case number 1-2-0-7-2-4-8, an incident that occurred on the first of December of this year at approximately 10-16 hours in the morning. The location was 5-30 West on 21st Street.

WW: Unintell--- Thanks Bud.

AY: Do you have some I.D. that I can see please? Thank you ma'am. Thank you sir. And again, this is just so I can document who I spoke with.

[REDACTED] Mmm hmm.

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AY: Everything on here is ah accurate [REDACTED]

[REDACTED] Umm actually that address, the home address is ah, I'm out in ah Spring Valley now.

AY: Oh.

[REDACTED] San Diego, so that's my old address. So do you need the address as well?

AY: Ah in a second, yes please.

[REDACTED] Okay.

AY: Were you present when our detectives were at [REDACTED] house?

[REDACTED] No.

AY: Who was there? I, I thought...

[REDACTED] Mmmmm...

[REDACTED] Ah me, ah [REDACTED]

AY: Is that another brother?

[REDACTED] My brother.

AY: Okay.

[REDACTED] Mmm hmm.

[REDACTED] He yeah, he's, he's got [REDACTED] so he's probably couldn't be a good you know contact person.

WW: Got cha.

AY: We appreciate the way you stepping forward man, taking the lead on this. Dude you don't know how much that helps us, both sides.

[REDACTED] I just wanted you know, figure it out. I want to know exactly what happened.

AY: Sure, sure.

[REDACTED] Umm and I want to help you guys out as much as possible.

AY: What, what is your current address please?

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█ Ah █ that's █ San Diego, California, 9-2-1-1-4.

AY: Ah you have a cell number?

█ Ah it's █

AY: Home number?

█ Umm I, I live by my cell phone.

(Laughing)

AY: Okay. Also ah, work or school?

█ Ah I have a work number. Umm, I prefer that you call me just on my cell, you know.

AY: No, no ah I will but...

█ Umm █

AY: Mmm hmm.

█ █

AY: Where's that at?

█ And that's ah, it's █ so... if you're going through a whole like automated system and...

WW: Talk to everybody but you?

█ You know I would rather keep my work with work and my, you know.

WW: I gotcha.

█ When you guys call your detectives such and such and gossip around there's...

WW: Mmm hmm.

█ When you work a bunch of women.

(Laughing)

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AY: What do you do there man?

Umm there ah, I'm in a well

AY: Okay. And what's the address of this man?

Ah it's a Coronado.

AY: And zip code at the island?

Oh 9-2-1-1-8.

AY: And do you have a set schedule or is varied unintell---

Ah it kind of varies ah, I've lately been on a pretty set schedule, yeah, eight to five and then I work umm you know weekends, some of the same.

AY: Oh a good varied right?

Yeah it, it does vary, yeah.

AY: Okay. Unintell--- Is everything here correct ma'am?

Yes.

AY:

Yes that's where I live.

AY:

Yes.

AY: Ah phone number for you ma'am?

Ah I can give you my cell phone number.

AY: Please.

It's ah area code

AY: Mmm hmm.

And its

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AY: And you have a home number?

Yes I, it's an area code [REDACTED]

AY: Do you work? You're retired or volunteer?

[REDACTED]

AY: Okay. Here's one of my cards. I'll make sure I have another one for you before you leave, okay?

Yes please.

AY: Umm well for starters, [REDACTED] can you tell us how you found out about all this and what do you know.

So on Sunday, Sun well, Sunday morning about twelve, what time did you call me? Would you say about two a.m.? Two or three a.m.?

About.

[REDACTED] calls me saying that you know National City P.D. showed up at her door saying [REDACTED] was rushed over to USD Medical Center.

AY: Mmm hmm.

Its kind of all I knew at the time you know and I was like, and oh and that he was you know, dead on arrival umm, that's what she was telling me you know so I was like what you know so I rushed over to grab her and we rushed over to USD Medical umm where the doctors there said that he came in through E-D and ah he was a trauma patient, he had [REDACTED] you know hit, his [REDACTED] out in the field umm...

AY: Mmm hmm.

And he was, they were pretty much doing [REDACTED] and ah they said where they were able to [REDACTED] and that's where he was kind of like [REDACTED]. They said he was r [REDACTED]

That he was in a [REDACTED]

AY: Okay.

And that's kind of what they said happened to him and then a doctor had came in, said that you know police had told them that umm yeah there was a robbery going on, ah attempted robbery.

AY: Mmm hmm.

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Umm at a deli. She didn't say specifically. said that the 24th Street Trolley, that's what she said that's what the police officer had said. So I'm going off all these hear says you know.

AY: There was a police officer there at, at the home?

Yes a police officer unintell---

AY: Oh at your home, oh okay

I'm sorry, I'm sorry, I'm jumping around, I'm sorry.

AY: Unintell--- at the hospital.

No, no, no. So the doctor's telling me this you know that umm he, he attempted to rob ah, a, a deli.

AY: Mmm hmm.

And umm I guess it was like a fight going on between, well they, they didn't really know, you know.

AY: Sure.

And I guess the officer didn't really say much because it was a totally different issue.

I was told that they did not find nothing on Manuel. No weapons, no, nothing.

AY: That's accurate, yes.

So umm, umm so they told me at the hospital that umm ah he wasn't under arrest ah...

AY: Mmm hmm.

And that they were there, they weren't there to you know judge him on anything he done, they were just there to save his life and so that's why I'm kind of like... oh and, and the doctor was telling me umm that he, he had attempt to get away and his attempt to run away and ah he had ran, jumped into a back of a parked pick-up truck where he had smacked his head umm and the police officer had, a police officer had caught up to him about that time.

AY: Mmm hmm.

And umm I guess it was like a scuffle and then they detained him and his heart stopped at the time of that and that's when they started

AY: Okay.

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That's, that's what they left me with so...

AY: Sure.

Umm.

AY: Part of it is accurate, part of it is not.

Okay.

AY: Okay umm what can you tell me about Manuel? You know we talked briefly on the phone. I mean...

Umm you know he, he's been ah, he's a good guy you know he, well he is pretty good guy but he never knew what it really was to live out, outside the jail, you know. As you can tell, he's got ah extensive rap sheet so ah he's been in and out of jail umm...

AY: How early do you remember, at what age did he go in to the first time?

Well I think about

AY: ?

AY: Mmm hmm.

Ah, ah, ah Manuel was I told Manuel, Manuel why didn't you take it out of the money that ah, you paid for the medicine for me.

AY: Mmm hmm.

He went for me.

So he started off real young?

I don't know ma, I don't know ma, and that was the first time.

AY: And then after that he was kind of in and out?

Yeah you know he...

Mmm hmm.

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And you know he went to you know the kind of thing. Met a lot of people here in the city, got in, affiliated with the gangs here in the city.

AY: Do you remember which one?

Umm I don't know. I know he's part of like O-T-N-C.

Ah it...

I don't know if there's like a different branches of O-T-N-C.

Manuel told me that ah, if ah he didn't join them, that they were gonna bring him down. So they jumped him and he, to them he passed.

AY: This was outside or in the jail?

Oh outside.

I remember the day too.

Eight years ago.

I remember when we went to go pick him up.

AY: Mmm hmm.

went to go pick him up and we went to, we were driving in the truck and was like, what happened, he's got like you know broken ribs and face is all busted up and, teeth all chipped up and ah I, I don't think it too chipped up but he had like, his lip was all...

AY: He was pretty badly beaten.

Yeah.

Yeah.

He was beaten up pretty bad and I remember him telling that story too if he didn't get into it that they were gonna, they were gonna make sure that he wasn't you know around.

Do you remember about what time was it? How old were you?

Man I was, I was probably like five or six. I remember sitting in, in my dad's truck, my dad had like this old pickup. We were just sitting, it's a little three seater.

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AY: So you're a little fella.

Yeah I remember looking at him and just like, just, just hearing you know and just, I was there looking at him.

AY: How old was Manuel approximately? I mean how, how much older was he?

He was probably about twelve huh?

About twelve.

Twelve, thirteen?

About.

I think he was ah, he was going to National City Middle.

AY: Mmm hmm.

So that was about the time.

AY: So there's a considerable age difference there, are you almost seven years, you're probable almost eight, right?

Yeah, mmm hmm.

AY: So did you guys do stuff together? Were you guys ah, how was it?

You know it...

AY: Cause you seem totally different from...

Yeah totally different umm, I, I, we didn't do a lot because he was always in jail. Umm even through, you know when he was out, he was out for brief moments, six months to a year max I would say and then boom, he's in for another two to three years.

AY: So he did more time inside than outside?

I'm pretty sure you guys got that all on paper too so, he's done a lot, lot more time in jail than he was out.

AY: No, you know, I appreciate you being forthcoming. Believe me, you'd be surprised how many times people sometimes minimize...

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But you know, the time we, we, we try to spend you know, it was, it was a good time and he never, and ah, he never really shared like his, his life. His addiction to anything but I knew you know umm I mean it's hard to not know. Umm I worked in rehab facilities and I've seen a lot of people, a lot of users and...

AY: Yeah.

And just lying, you know it just, I, it catches up, I start catch them in lies and...

WW: You just, you recognize that lifestyle.

Yeah I definitely recognize the lifestyle.

AY: Would you think he had like a mental disorder going...

I think so ah somewhat.

Yeah he, you know he, he a few times and ah...

AY: Really?

Yeah he, he definitely...

AY: On what?

Ah methamphetamines.

AY: Meth?

Yeah. There was a time maybe back in 2002.

AY: Mmm hmm.

He might have here in National City, they took him in. He was again d they brought him to Paradise Valley Hospital. Umm he was in a too for...

No this....

No?

This was the first time.

No, no, no the, when he

Oh that they

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But didn't, did, wasn't he in a for a little...

No, no. From what I know, this is his

So I mean your so I, I, I believe that there was some type of maybe some, some kind of there.

WW: A bit of a slow down?

I kept telling the folks year after year when Manuel goes to court and ah I go. I keep telling 'em, Manuel needs to be at a place to get intensive care. Ah talk to a psychiatrist ah have the place do everything possible for him. He needs the help.

You know and the thing is he, he was always looking for help too.

And...

help you know, I just, oh go ahead.

Ah he, he told me that ah, he's gonna just be at my house temporary until these people from Sober Living called him. They told him, this is what he told me they told him that it will, can take up to two weeks.

AY: Yeah it's about right. Right when people come out, yeah it takes about two weeks.

This is the most recent.

I told him don't just wait, keep calling them, tell them it's urgent if they can push the situation to get him in.

AY: Mmm hmm.

Because I honestly felt in my heart that some, he's not going to make the two weeks.

AY: Why is that now?

Ah that something was going to happen.

AY: Something that he would do or just something would happen? There's a bad feeling...

You know that he won't, he won't make it of getting it, getting in.

For some reason, we had this feeling like I had the same thing like when I last saw him last Wednesday. Umm I spoke, I went over to the house and I was actually in a, I have a newborn and umm you know I was going to take him over and show him the Christmas lights I put up and you know we were, you know, I made dinner and

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everything and he was, he told me he didn't, he wasn't feeling too good and I, I think there was already something I think he might have umm you know started using or something there.

Also but that's not the only thing. He came in my room, right before all this happened. He says mom, he went like this, my

Yeah.

I'm in pain and he says that he went to the bathroom and that the ah what did you call it?

His

It's full of

That ah had a lot of

Umm he's, he's had issues. I mean he's got, he's had ah I'm assuming he had umm damage you know definitely from the, the years of drug use and umm I just think it kind of went untreated while he was in jail and...

Yes.

When he came out, he was just in a lot of pain.

I told him please Manuel, tell your P-O that you wanna check into the hospital. Do it because that doesn't look right.

AY: Mmm hmm.

He was in pain but he...

I, I could tell that he, he was hurting and this was a day right out of jail so.

AY: Right out of jail, on Wednesday.

Yeah he...

AY: But what time do you think it was, the time unintell---

Ah I got off at five and I was there by the house by about five thirty, five thirty five and I, I seen him. You know and, I, I, I couldn't tell if he was on something or he was in pain but my mom was telling me he was, he was umm he was so I, I kind of assumed that he probably was in pain.

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AY: Sure.

WW: When you talked to him, was he kind of down in the dumps or was he, you said...

■ No he wasn't like down but he was like you know I, I'm not feeling really good right now. He goes and when I see the baby I want to, I want to be able to you know hold her and you know love her and every, I'm just not feeling like it right now. You know I had dinner planned for him you know so umm for, for him to kind of just, I knew there was something, you know.

AY: Okay umm so ma'am, what can you tell us about, so what, what did he do like Wednesday, Thursday and Friday? Can you kind of break...

■ Before this happened?

AY: Yes ma'am. Can you kind of walk us through those days please.

■ Well he, he just ah starting to write ah letters. I don't know to who cause I never get to ah see it.

AY: Sure.

■ And umm hear the radio, you know the music and umm eating and then ah, ah using the telephone a lot.

AY: Which phone?

■ Umm my cell phone.

AY: Your cell phone?

■ Ah huh.

AY: Okay.

WW: What was it, that phone?

■ Yeah.

WW: Would you mind if I looked at that? Are those calls still in there?

■ I, I don't know unintell---

■ There's going to be a lot of numbers in there cause...

■ I don't know how to do that.

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been calling everybody since Manuel's passed away.

WW: Go back to the, the days.

AY: Well were only interested on, on unintell---

Oh within those days.

AY: Yeah. Ah so keep to, keep coming.

Ah so...

uses that phone as well too so.

AY: Okay.

He leaves for a little while and he went over to some house to eat chicken because ah the of his friend made food for him. She invited him.

AY: Okay so, this is important ma'am. What day is this that he goes out?

Ahhh.

AY: Is it Wednesday or Thursday?

It think it's, it was the 2nd.

AY: So, so it was Thursday? The next day?

Yeah.

AY: Okay.

And that he stayed for a little while and then umm because ah the mother ah has a, her son in a, in the prison where Manuel was.

AY: Oh okay.

They were both friends like this since ah elementary.

AY: You know, you know where this person lives?

No, that I don't know.

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Like, like he, like...

He said he's gonna to be getting out ah March something.

AY: Name? Do you have a name? Nickname?

Ah I only know the first name

AY: okay.

At the place where ah Manuel ah...

AY: Manuel was in Donovan?

Yes, Donovan State Prison.

And he might of had a cell mate.

AY: Okay.

Well their really close friends since young.

AY: All right. So what time do you think he went over there? Approximately? Was it in the morning or late in the evening?

Mmmm early evening.

AY: Early evening? Does he come back that same night or does he...

Yes at the, in the evening, yeah.

AY: Then what happens ma'am?

He just ah lays down and go, goes to sleep but before that, he was complaining about his

AY: Oh so he was, I mean this is right out of, literally coming out of prison, he's complaining about the following days, he still complaining about it.

Yeah but he didn't go to the ah emergency.

AY: Did he go to the hospital?

He didn't go, I begged him but he says that he has to do something first.

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AY: Okay.

■ I felt he was pressured cause he said that he owed a guy, you know that is in prison, five hundred dollars.

AY: Mmm hmm.

■ That really worried me.

AY: Did he say for what?

■ Ahhh I guess those people inside, what do you call them, deputies or...

AY: Yes.

■ That brand of place.

AY: The C-O's?

■ Ah huh, didn't get, wasn't aware of what was going on and from what the little bit that I know that he told me.

AY: Yes.

■ That he was willing to help this cell mate and he swallowed a bag in here. Moments later it burst. Those people there ah didn't find out because someone there had a syringe and ah ■

AY: So some, what he...

■ Right shortly before he was released.

■ And so, so umm, kind of sounds like...

■ He owed...

■ Like he was moving around drugs for him.

■ Five hundred dollars to the guy because it burst inside.

AY: He O-D'd unintell---

■ Okay but he got out of it.

AY: Okay.

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And then, he told me that the guy told him, when you leave here, take care of the matter. Ah give the money to you know his mom because he owed him five hundred and he would hate for something to happen to him out in the streets.

AY: Oh so they were charging him for what, what bursted in his stomach.

Yes, yes.

AY: He was being blamed.

And I felt that he was on, on big you know pressured.

Umm I actually got a question like, it sounds like this is a little bit more serious than, than I think we, you know kind of thought. What, what is it that, that you guys are investigating? I know and we never really got the chance to...

Yeah.

AY: Were investigating the attempted robbery okay and...

But how could...

Hold on, hold on, hold on, let him talk.

They didn't find anything on him.

AY: No ma'am no.

How could he attempt robbery?

Hold on.

Oh okay.

AY: We're reviewing the attempted robbery and ah we're also following up on the death investigation. That's what we're doing...

Oh on his death investigation.

AY: On his death investigation.

Okay.

AY: So between ...

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Yeah that's kind of weird.

AY: So between that whole thing, we have to look at everything. We have to look at all the reports. We have to ah...

I can, I can tell you umm like my mom said, he owed somebody some money. This is what he, what he had told me a little bit. He said he was gonna, he was gonna hustle so ah, I think he was buying dope. Umm he got a check while he was in jail umm that my mom gave him when he got out so he can cash it so he can get some...

Which he did.

Necessities you know which he did but I think he probably spent it on dope to sell, make some more money.

And to pay the guy off.

To pay the, to pay these people that he owes.

That, that.

You know, cause he said that they were out to get him. I don't know who it is, you know I don't, that's not my, I never asked you know. I never asked questions umm but I think he was trying to make this money to, to pay these people off so they won't whack him and they threatened you know his family.

He was being pressured.

AY: I'm sure that's, that's usually their, style there.

Mmm hmm.

AY: They threaten everybody. So were, were back on Friday ma'am. So what, what, what happens after that on Friday? So, what Friday morning he's home?

Umm...

AY: Cause when he got back from having supper, dinner with this lady.

Mmm hmm, mmm hmm.

AY: He gets back home and again he complains about the

Yes.

AY: So he goes to bed, doesn't go back out?

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■ Ah no, no.

AY: So now were at Friday morning. Walk me through Friday please.

■ Friday morning oh...

AY: If you remember.

■ Oh it's kind of hard. Ahh...

AY: Were almost done.

■ He, he...

AY: I know, I understand, take your time.

■ He gets, he leaves the ah house ah...

AY: Early?

■ Early not seven o'clock, six o'clock, no. Oh no, about ten thirty or so.

AY: Ten thirty or so?

■ Mmm hmm.

AY: By himself?

■ Yes.

AY: Cause he took your phone with him ma'am.

■ A coup... a couple of times he used it but then ah, the last time that he talked to me was on, I know it was on the pay phone twice.

AY: Okay so he calls you from the pay phone twice.

■ Ah.

AY: So this is on Friday?

■ Yes.

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AY: What time do you think he called you?

■ About nine twenty.

AY: And what was that conversation like?

■ Ah he asked me to get those papers ah that I had on the entertainment center and to look at each one cause he want, he couldn't quite remember the number to the P-O.

AY: Oh okay.

■ He wanted to talk to the P, P-O.

AY: Okay.

■ I said, Manuel I don't see it and that oh I'm gonna hang up and see if I can remember. A couple of minutes later, he calls me asks me, did you find it? I said, no, cause he had ah application for, cause he wanted to get that driver's license.

AY: Mmm hmm.

■ Ah he had a paper of the people, I think it, cause it said the times to check in. Okay ah, that's about it.

AY: Okay and then, when do you see him again?

■ Ah that, that was it.

AY: Oh you didn't see him again after that? He didn't return home Friday night?

■ Oh.

■ That's Saturday. She, she, I think she jumped a little bit.

■ Yeah.

■ That happened all Saturday morning. What happened on Friday though?

■ Ah that was it. He, he, oh he did come home but then he left again and he came home real late.

■ So this is his regiment like he, he, he's the kind of guy that he comes home about twelve o'clock-ish, sometimes one you know in the morning hours.

■ Yeah.

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Sleeps, wakes up probably eight o'clock, showers, out of the house by ten, then he's you know missing in action the whole day. He call, he checks in, he calls hey you know this is what I'm doing, la da da you know around six, maybe ten o'clock and then you hear him at the door again at one o'clock in the morning, repeat. It seems to be his, his regiment umm but...

AY: So, so Saturday as far as you know, is, is ah, shared with you, what do you know happened Saturday? Saturday morning?

I, I didn't talk to him on Saturday umm, said that...

Well he left.

You know he came in...

AY: What time?

Well he came in that, that Saturday or that Friday night really late. He woke up probably would you say about eight or nine? Showered.

Around there.

Probably had a cup of coffee, made a phone call or two just to say like hey what's...

Oh he did have a cup.

What's going on, this cause I, I just know he's a creature of habit, you know. He calls people hey what's going on, you know he's real discrete about it. He'll have a cigarette or two and then book about like ten o'clock you know and then like I said...

AY: Starts the whole thing...

He's gone.

Mmm hmm.

Gone all day.

AY: So, so ah on, on Saturday, did he make some phone calls on Saturday ma'am?

Ahhh, I'm not, I don't quite sure remember that but ah, I know he was writing to someone. I don't think he finished it.

AY: Okay.

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Then ah when he left ah I had to go to the store and all that and ah I came home. I put my groceries away and ah, ah I sat down in the recliner and my son who was about to leave because he had to go somewhere and he opened the door and a bunch of people, cops, and ah they said, the guy said well ah, you know Mrs. that we can go and get a search warrant cause we can go in but if ah you give us permission, we'll do as quickly as possible and that if you can sign here. So I signed, I said it's okay, don't...

And more than willing to let them, you know, she's, she's very cooperative but if she kind of felt threatened by, by the, the people that came to her home and you know for, for her, for them to come first of all to tell her that...

Embarrassing.

Her son is you know in the hospital and this is you know what's going on.

WW: It's overwhelming.

It is very overwhelming and I think that really, cause she called me up screaming and you know crying and I, I, I was hurt by the fact that they just came into her, I mean drop that news on her then said hey we need to come in here or you know we're gonna be back, you know. She, she's more than willing to and I understand your guys' you know where, where you guys are coming from.

WW: I think, I think at times we get so immune to it because we deal with stuff like this...

Right.

Mmm hmm.

WW: And you probably see it at the hospital and...

Yeah.

WW: You know, it's, it's normal to see certain things and we, we just sometimes we as a, as a group forget that we're dealing with folks and...

Different folks.

WW: And yeah and it's...

And you guys get a lot of people that are not cooperative, you know that, no, no, you come back you know and she's more than willing to, she's not gonna hide anything from you guys.

No, I, this is so weird.

She's, she's been known to, to call and call, call the police on her own son so she.

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■ I did, I turned him in.

■ She's turned him in.

WW: We've actually found a couple calls where you did.

■ So I mean she's not one to hide him so she's very cooperative.

■ Mmm hmm.

WW: Mmm hmm.

■ And I've told a cop in the past that was looking for him. I told him exactly where he could find him.

WW: Sometimes that's a, what it takes to protect your boy.

■ Ah it was ah, no I was told ah...

AY: Your mom was very cooperative. I mean cause when the guys went there, the plan was to go there and see if ah, yeah your brother was fourth waiver.

■ Yeah.

AY: And so they wanted to see the area where he slept, the area he kept the belongings.

■ They took pictures of a lot of things, it, they needed to do that.

AY: I understand, by what I understand like you said, by both of you admit, he'd only been there three days so...

■ Today's not much.

■ Not much.

AY: All right, so they shouldn't of turned anything over, I don't think they did.

■ She said they left him, you, they left a mess there in the home.

■ Hmmm.

■ You said they turned some things over and pulled some stuff out.

■ Yeah but ah, I, it was in the living room. They were wondering ah, that the, what's was those things ah leaning against the wall where the, ah living room window is at.

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AY: Oh okay.

█ I said that stuff belongs to my other son who's staying just temporarily until he gets a place and right now he's at the Sharp Hospital. He's gonna be discharged in about one to two days from now.

█ This is another brother, he was kicked out of his house so he's kind of been just squatting there at, at my mom's house.

AY: Ah how many siblings do you have total?

█ So it's well Manuel, ah oh whoa, I have a half brother █ he's the one that's squatting there at the house.

AY: Okay.

█ Ah and then we got Manuel, █ me and my sister. It's five of us.

AY: And with the exception of you, everybody's at the house?

█ No ah █ with her boyfriend.

AY: Mmm hmm

█ Ah I'm at my own place ah, so it's just pretty much █ my mom.

█ And me.

█ And my other brother who's...

█ It's only temporary but ah, he's at, and they, the cop asked me ah why is he in the Sharp Hospital. I told him. He's about three hundred pound guy.

AY: Mmm hmm.

█ And he was in the area there and he admitted himself there because he felt very, very sick cause he's a █ and ah so ah he even called me to tell me that he's in the hospital. That ah, they told him that it's █

AY: █?

█ Yeah. So he's been there for several days.

AY: Ah I'm sorry to hear about that as well. Ah how would you describe Manuel's personality? Would be it, it sounds like he could turn it on to be pleasant and then...

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Ah he's, he's quite charming ah, ah, he's an opportunist, you know he jumps on opportunities ah you know he, he's a social chameleon. I mean he could pretty much work with anybody you know. He can, he could fool you to be a religious person, he can fool you to be you know, you know straight shot, clean cut guy, you know. You could always tell though he was, he, he just got out of jail. He just had that walk, that talk, that you know look that, inmate look, you know.

AY: Mmm hmm.

He'd stand, he'd have his arms behind his back, naturally, you know.

AY: Naturally.

Umm.

AY: Did he have a girlfriend?

Umm I wouldn't say girlfriends; he's a good looking guy ah, probably messed around with a lot of girls right here in...

Yeah.

National City umm, bunch of, I would say no girlfriend, I would say casual partners umm...

He ah, don't go looking for women but the women comes to him.

And the unintell--- had drugs.

And he likes to date a, a few older ones.

AY: Mmm hmm.

A lot of women that I had seen him with you know, prior to him coming out of jail this last time, you know a lot of the older women you see around here in National City, hanging out on 8th Street kind of, looking for dope you know, it was that, that, that group of women. I, I'm pretty sure you guys have all seen them all out here. And I see them all the time you know cause I, I drive the city all the time, come to see [REDACTED]

AY: Mmm hmm.

And I, you know I, I visually look at everything around me and I see these people I'm like dang you know. And I, sometimes I worry that, that was going to be [REDACTED] you know. If he didn't have a place to stay, that would have been him, you know.

AY: And is there any, what, what, what, and we talked about drugs, what drugs do you know that he used?

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Umm he's ah, he's used heroin. Ah methamphetamine, marijuana, ah you know I've never seen him or heard him talk about coke. I actually never seen him do any of these. Umm never seen him do any of the drugs. He's actually really respectful with about doing drugs at the home.

Or on the...

Umm but I could smell it, whether it'd be marijuana or I could tell you know by the way he's acting.

AY: Unintell---

Yeah. Umm but I think umm heroin, and he would, he would umm and the meth.

AY: Did he over on heroin?

Ah I think no, just methamphetamine.

AY: It was only, just meth.

Mmm hmm ah he told me ah that ah, he has done that it's called speed ball.

AY: Speed ball?

Ah huh.

AY: Did he tell you what was in the speed ball?

No, no.

AY: When, when did he last do that that he told you?

Mmm he, he didn't tell me everything, he just told me that ah, speedball.

AY: Did he say when?

No.

AY: When did he tell you this?

Ah recently when ah, shortly after he got home from being released.

AY: Okay so he told you, had done a speed ball that day or he just, that he, that he just done one?

I'm assuming he probably did one around that day because he just got out so if he told her that he just did one recently, it had to be within maybe 48 hours of his release.

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AY: Hmm do you know what's in a speedball?

■ I don't know what's a speedball.

■ What worries me...

■ Ah it could be like a mixture of narcotics. It sounds it would probably be some type of maybe coke and meth.

■ What worries me is this whole thing umm, it, it's ah, I, I just can't believe it that it happened. I mean it, but what worries me is that thing that he swallowed in, not too long, I guess ah, a day or two before.

AY: Oh, oh, in prison.

■ In prison.

■ No, no, that, that actually happened months ago.

AY: Oh.

■ He got thrown in the hole for that.

AY: Oh so he did time...

■ Oh.

■ Yeah he, that's, that's prior to him getting thrown in the whole. That's the reason why he got thrown in a hole so that, that is, that is irrelevant toward kind of what this is about. I, I could see how that would fit, fits into his purpose on wanting to you know rob and sell drugs.

WW: Make the quick money yeah.

■ To make the money to pay the people off.

■ Yeah because of that he, I felt that he's was pressured.

AY: Okay.

■ And I always told him you know and he's like, I'll lend you money but just, just you know...

AY: Did he have a job?

■ Him?

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AY: Yeah.

Yeah he, he actually worked at L-A Fitness for a little bit before he went into jail this last time. He was like a nutritional counselor. I mean he's a pretty big guy, I don't know if you guys have like his, his stats but you know he, in jail that's all you get to do is push ups, pull ups, sit ups and so, I, he was a nutritional counselor at L-A Fitness for a little bit and then yeah I think, I think he got let go because just not showing up.

AY: Sure, sure. What, how early, how far back do you guys remember him having some type of medical condition like the [REDACTED]? We're not talking drugs here, were, how far back can you guys remember, jog your memory back.

Oh about seven years that, cause where I live, I've been there for about six years and where I use to live it was on Fourth. At that time, ah he complained a little bit about his [REDACTED]

AY: Nothing to...

Nothing like blood in the, ah how do you say it?

AY: [REDACTED]

[REDACTED]

I would, I would say about like four years ago, he had told me that I was in school and he was like oh, umm you know I'm [REDACTED], he goes, what can I do, he goes or you know one day he had umm, he had [REDACTED] in the [REDACTED] you know.

AY: Mmm hmm.

And ah, I gave him some ah samples of like [REDACTED] ah generic, you know.

AY: Sure.

Just to help him with his, with his thing but you know I, I would say about like four years ago, he actually started telling me about like his, you know, him having [REDACTED] so I'm assuming that his [REDACTED] wasn't working too good, his [REDACTED] weren't working too good.

And also he told me that ah, on the phone when he was incarcerated that ah, he has [REDACTED]

AY: [REDACTED]?

I said no Manuel, no for real's? Yes [REDACTED]. He must of got it from using needles in there.

AY: That's quite possible.

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Because there's a lot of things going on in back of the...
There's a lot of jail tattoos.
Ah huh, the newest...
All his tattoos have been done in prison so...
The newest is on his right leg.
I remember when he told me he, he had he said he, he thinks he got it from...

WW: An hour twenty.

Tattoos in jail.
Now he had a lot of them. And he got it from having that done inside.

AY: Okay.

I know that.
But you know, it could have been from sharing needles out here too so...
Manuel.
Unintell---

AY: Do you want to go into the ah, contacts?

WW: Yeah. The one thing I like to ask you on your call log, it's actually been deleted. Do you only have the, do you only have two calls in there. Do you know who deleted it?

Oh ah my son I told him ah well, just save those two and delete it. I didn't know.

WW: No, no, no that's fine. I just didn't know if I was doing something wrong.

Umm.

No, no.

She, she's been on her phone all, all, all day, I don't know.

WW: The, the biggest thing were trying to figure out is, were trying to get a timeline on who he was with.

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Oh.

WW: Obviously when he wasn't home with you guys, who he was with during those couple of days so we can interview them also.

Mmm hmm.

WW: So we can figure out what happened here.

AY: We probably know how he ended there unintell---

Well, that is like his spot. Like was it over here at the 24th Street...

WW: Mmm hmm.

AY: Yeah.

WW: Yeah.

That's like his spot. That's like a main area where a lot of these, I mean it's a trolley station.

WW: Mmm hmm.

You between 8th Street and you know Palomar, you know, you know Main, and that was like...

WW: His little hub?

Yeah you know he use to go down into Encanto as well you know. I, I even picked him up over there off of what is this? 61st and unintell--- I don't know what the trolley station is out there, it's like 61st Street.

AY: I believe so, I'm not too, I'm not too familiar.

WW: Yeah I know what you're talking about Imperial.

Yeah right around there. I know he had some affiliations out that way, real sketchy. I picked him up there you know before, not recently, before him all loaded so umm that was his way is just traveling, it's that trolley station. So he could have been, he could have been at any trolley station.

Well with Manuel, I really feel that, that ah since he was pressured, that led to what happened. He was like I guess desperate.

WW: Are, are the, the numbers in your phone, all they all yours or some are or are some are his, his? Like you have?

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█ Oh that's one of Manuel's friends.

WW: Manuel's friends?

█ Mmm hmm.

WW: █

█ That's me.

WW: Okay, █?

█ Umm one of Manuel's friends, a lady.

█ I, I think that's like an ex, what is that like an ex-girlfriend or...

█ A friend no, a friend.

WW: Is that something he put in recently in your phone though?

█ Ah yeah.

WW: Within the three or four days he was out?

█ Ah hah.

WW: Okay, employer.

█ Hmmm, I didn't know that he put that in.

WW: █

█ █ that's one of the friends.

WW: Umm █

█ Oh that's my cousin. She called me.

WW: She's family.

█ Yeah.

WW: █ you.

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She's

WW:

It's family.

Family.

WW: Family?

Mmm hmm.

WW: who obviously be your son.

Yes.

WW: And

That's a friend of Manuel's.

WW: Of Manuel's?

Mmm hmm.

WW: Okay. Umm...

You got some...

WW: So that's, they give me something to do, I mean that's a big thing is you, you know we're worried about as big of a loss as you guys are trying to figure out what's going on as well.

Yeah.

WW: Ah and we want to be able to, to give you guys the answers that you guys deserve.

Yeah he was...

Yeah because...

Very secretive so I mean, its, its hard you know, just trying to figure it out.

I really feel that since Manuel was pressured ah, that ah, that led to what happened.

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AY: Oh to the, what started?

Ah huh.

WW: Who, who's

WW: Yes.

Ahhhh Manuel ah, ah went around with her.

WW: ?

Ahhh.

Not the

Casual.

Good, you know friend.

AY: Was she around often?

You know not, not recently. Maybe before he was recently incarcerated.

Mmm hmm.

But I, I think she just probably did drugs with him.

AY: Do you think she visited him in jail?

No.

Ah I unintell--- so.

She's like, she's like

I don't know when Manuel was in downtown, San Diego.

WW: Would it surprise you if I told you she, she visited him in jail?

Ah probably.

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When he was...

She visited him in jail?

WW: Mmm hmm.

Oh unintell--- huh?

WW: Laughs

Well I think that she did visit him once in the downtown county jail.

WW: Okay.

Cause he had told me like hey you know, she was just like a little...

WW: Somebody to hang out.

Yeah.

WW: Good time.

Yeah guess she might have, had a little thing for him more than the other way around.

But she was ah fooling around with him and fooling around with some other guy at the same time.

Okay, how about a gal named [REDACTED] or [REDACTED]?

Friends of Manuel.

WW: Friend?

Ah huh, I know that.

AY: Same as the other girl?

Yes, friend.

AY: Okay.

WW: Okay.

A lot of his, he like affiliates were women, I don't know how...

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WW: How about [REDACTED] Is that even...

[REDACTED] Oh a friend.

WW: Okay cause I'm, I go back to his in-custody people that visit him and [REDACTED] said she was his wife. Oh is she an older gal?

[REDACTED] Oh is that [REDACTED]

WW: There's a unintell---

[REDACTED] Oh [REDACTED]

WW: No it's [REDACTED]

[REDACTED] Oh I think that's [REDACTED]. You know what, he never got married.

[REDACTED] They never got married.

[REDACTED] He never...

WW: Was she older, like she's...

[REDACTED] About [REDACTED]

WW: Maybe twenty years older than he was?

[REDACTED] Oh shit no.

WW: This gal...

[REDACTED] There's one lady.

[REDACTED] This woman I came up with was born in [REDACTED]

AY: And she said she was his wife.

WW: She's visiting him in jail and there's a little one with her.

[REDACTED] (Phone ringing) Sorry.

WW: There's a little one with her saying child. Does he have a kid?

[REDACTED] Ahhh that kid is about [REDACTED] and he's been adopted. [REDACTED]

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WW: Ahhh, this one, this is a gal named ah [REDACTED] daughter, [REDACTED]

[REDACTED] No he never got married because I would have found out.

AY: Let me show you.

[REDACTED] [REDACTED]

WW: Yeah but like unintell--- cause he and I are about the same age.

[REDACTED] Yeah.

WW: So right here you have wife and you have daughter. See the names?

[REDACTED] Now is that just something that they put, is that like legitimate background?

WW: They would actually, they would actually have to have physically write that so when you go to the jail log.

[REDACTED] Yeah.

WW: You come visit, you're gonna put [REDACTED]

[REDACTED] Mmm hmm.

WW: Brother. Umm let me show you.

[REDACTED] Ah but that, that's not, I mean that's what she had written, right?

WW: Yeah, so that's that's.

[REDACTED] It doesn't mean it's legit...

WW: It doesn't mean it's straight, no. No, no. no.

[REDACTED] Okay.

WW: I'm just going off of like ah [REDACTED] has, has girlfriend. [REDACTED] friend. [REDACTED] you know [REDACTED]

[REDACTED] Ah there, that has to be Manuel's friend.

WW: Okay. How about ah [REDACTED]?

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■ Mmm hmm.

■ You know I, I think that's what they use to do too...

WW: Yeah.

■ Cause I, I remember him, him saying something like that. Hey I'm ah, I use to have like, like a friend here come through and what they do is that they relay messages for other cell-ees, you know.

WW: You mentioned ■

■ Oh.

WW: Why would you mention her?

■ ■

■ Because...

WW: We still have an hour, an hour and ten right there.

AY: Okay.

■ She had his kid. He's about I guess ■ now. He's been adopted.

WW: Is ■ the same as ■?

■ Ah she use to use ■ name and ■ is no longer living.

WW: Okay.

■ She was another, she was ah...

■ Ah, ah ■

■ She was a drug-ee and she, she actually had a...

■ Also.

AY: Okay.

WW: ■ friend.

■ I've been trying to find out where is ■

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WW: See that name, [REDACTED]

[REDACTED] To let her know...

[REDACTED] I saw that.

WW: Funny sister is?

[REDACTED] You know to let her know that Manuel passed away. They stayed friends.

[REDACTED] Do, do you guys know a lot of these people that, that...

WW: Yeah.

[REDACTED] That he has seen here in the city, huh.

WW: I grew up here. He grew up here so...

[REDACTED] Yeah.

[REDACTED] Mmm hmm.

WW: We, we, we know a lot of the folks.

[REDACTED] Yeah. Huh.

WW: So, so this gal is not his wife and not his daughter.

[REDACTED] No.

[REDACTED] No.

WW: But the fact is she felt, that the, she felt good enough to put on there might not be a bad person for us to, to contact.

[REDACTED] Yeah.

WW: Umm would it surprise you if I said [REDACTED] was in custody right now meaning she's that type of person.

[REDACTED] Oh it wouldn't surprise me.

WW: Not even, not even a little bit?

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■ Mmm mmm.

■ Hmm.

WW: Maybe, okay.

■ She, you know the last time I seen her, she was, you know she was loaded.

AY: Oh she didn't look good? Didn't look healthy?

■ Little ass shorts, about a hundred and ten pounds.

WW: Sucked up?

■ Yeah, sucked up.

WW: Okay.

■ When Manuel was going to ah, ah, when Manuel was in custody and that he had court in Chula Vista.

AY: Mmm hmm.

■ This last time, she went to ah, ah to ah go, go, she went to court to ah see him.

AY: Okay.

WW: She, she was actually at the house back in January when you called the police.

■ Yes.

WW: When he threatened you, correct and ■

■ Yes.

WW: And she was, she was a witness in that case, right?

■ Well when ah...

WW: Well she was there.

AY: She was there.

■ The cops, when the cops were talking to Manuel and my, my other ■ ■ was in the room, the door was that much opened and ■ didn't come out but ■ did hear everything.

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WW: Okay, well she was at the house?

Yes she, well sleeping with him

WW: Got cha.

And he was very, very sick with a high fever.

I think it was a sinus infection.

But yet he did not go to the hospital.

WW: Was he acting differently at that time?

was just sleeping most of the time because he just felt too sick to do anything.

WW: Hey you mean, on this case when I'm looking it up, he threatened you guys, right? Was he, at times did he just kind of, did he just kind of become aggressive and not, not Manuel?

Ah well, he just got fed up. He heard the, me being upset...

Most likely.

And his, and his brother...

WW: Well then this might go to, this might go to what you're saying though of the and the way he's acting.

Yes.

WW: I mean it...

My son

WW: Is it, is it out of the norm for him to get so out of, out of the norm, not just not being Manuel where he's...

No.

WW: Not somebody would recognize the, the way he's behaving. Is that normal?

Since, it almost seemed normal for him you know but he just, even bef... years ago he would just blow up.

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AY: Because you think, you think, you'd say, you guys, it's almost like being immune to it cause you're so use to him?

Yeah we kind of just...

WW: I mean when did...

Put it on the back burner his manner, like get in his face, you know.

WW: Is, it was like that where one day he's Manuel my

Yeah.

WW: And the next day he's like man, I don't know that guy. Is it, was it...

Yeah it was kind of like there, where he was like really quiet and then you were like where is he and you know.

AY: Mmm hmm.

He was gone.

WW: You ever seen him talk to himself or anything?

No I never seen him talk to himself umm except for the times he was like on drugs or something but other...

WW: Well explain that to me.

Umm you know, it's ah like one time I picked him up at a trolley station like I told you guys out, out there in Encanto.

AY: Sure.

Umm he was like, the police are looking for me or, or he's no, no, people are looking for me. He goes ah we need to go, we need to go. I'm like dude, I picked him up like at eleven o'clock, he didn't have any cash, I didn't want him walking in that area just because unintell---

WW: You're trying to be the

I'm trying yeah, I'm trying to just like, he wanted to go home so I was going to take him home because he's like, I just want to sleep, I'm tired you know. I, I don't want to be walking around the streets cause people around here know me. Can you do me a favor so that you know I, I'll come pick you up.

WW: Was, was he animated though? Was he over the top?

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Yeah he was a little over the top umm, when I picked him up, you know pupils were like this big, you know just...

WW: Was he looking around?

Yeah he was looking around and then he was like, yeah these dudes were looking for me and then all of a sudden he says, is that a cop, is that a cop. I'm like dude you're messed up.

WW: And this is just while he's in the truck with you just...

Yeah.

WW: Was he, and was the conversation with you or was he talking to himself?

Right, he, he was talking to me but then there were times he was like man, (whispering) I can't believe that I can't... you know and I don't know if he was talking to me and I'm looking over at him, I'm like dude just shut, you know just shut up dude, just...

Hmm.

WW: (Laughs) Yeah.

Let me get you home so I get him home and then I, I drive him to my mom's house because he told me he wanted to sleep. That was the main reason why he wanted to get a ride. And so you know I was, I noticed dude don't wake me up at one o'clock in the morning you know for you know bull shit so umm, I wanted to give him a ride so he didn't have to be at that side of town.

WW: That's the right thing to do.

Umm, so I, I drop him off and then I called the house cause for some reason I felt like he was gonna ditch, he just wanted to ride back into town. I called, I called the house and my other brother answered he goes, I say, where's Manuel and he goes oh he just left. I'm like...

WW: And when was this?

Oh this was, this was probably like a year and a half ago before his last. I mean he was only out for a couple of days so...

AY: Mmm hmm.

WW: Yeah.

AY: Yeah.

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■ No they didn't meet up with him.

WW: And is, is that the only time you ever seen him act that way?

■ Ah yeah and another time I had picked him up, you know I was his personal chauffer because, just because he felt like, you know, and I, I...

WW: Cause he comes you're, cause you're a good guy.

■ I didn't yeah, I didn't want my brother walking the streets.

WW: Mmm hmm.

■ Just because, I don't know.

WW: Cause it's the right thing to do man.

■ Yeah.

WW: I mean don't beat yourself up over that one.

■ And so I picked him up one time over here on 8th Street. He liked that spot too. He liked 8th Street, around the Jack in the Box. There's a lot of homeless around there, a lot of, a lot of traffic.

AY: Mmm hmm.

■ Umm I picked him up over there and he was real paranoid, you know.

WW: Describe it to me man. I'm trying to, I'm trying to get a feel for Manuel.

■ Umm he was a very paranoid guy, over anxious. He seems like his anxiety was his roof. Umm I don't know if he was, he was messed up but he was very paranoid. I'm just like, people are looking for him. He was like that guy like, people are looking for him. He never always, he never really said cops were looking for him, he said people so I don't know if he did people wrong and he was just running from him all the time and he was just on the run but...

WW: The other question I had is just to kind of follow up what Tony was talking to you guys about with the narcotics. I mean, it seems like telling he's doing speedball and he's talked to you about doing meth and heroin and weed, was he just kind of open about discussing like, like his use or did you guys kind of had to pry it out of him or...

■ No there was, sometimes he just sits down and, and he tells me a little bit.

■ He was very honest with ■ because ■...

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WW: Did he recognize he had a problem with narcotics and...

Yeah.

Yeah.

And he always wanted help. He even asked me at work you know hey do you know where I could go and I think generally he wanted help.

Yes cause he was ah, desperate to get into Sober Living. If they would of called him at least two days later, he would be alive.

But you know the thing is, he burned bridges there like he's been in several...

WW: Mmm hmm.

You know Sober Livings and...

AY: Oh he has been in Sober Living before?

Yeah.

Ah one time...

And he, and he burns his bridges there. Like he gets popped with something or he just takes off you know for a little bit.

The last time he was in a place like that...

WW: Can't follow the rules?

Can't follow the rules.

Ah he was caught drinking beer and someone turned him in. You know, snitched.

AY: Sure.

And ah, so later ah, he walked out of the place, he didn't complete it.

AY: Okay.

The other thing is you know you put a lot of these guys that are in the same boat as him and...

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WW: Same mind set.

And, and, and, and in small rooms. I mean they all kind of start oh yeah, is what why unintell--- you know and I noticed that like I went to go visit him at one of these Sober Livings and I'm like dude...

WW: Misery loves company in those places.

Yeah there you know...

WW: Its, its tough.

So I'm like, what the hell, this is like...

WW: You gotta to be a really strong individual to...

Yeah.

WW: Conquer that, that demon.

And you can tell there's some people there that want to be there and then there's some people that don't want to be there, there forced to be there and you can tell.

WW: Do, do you feel Manuel was telling you guys that cause he wanted to make you guys happy or...Cause I have a cousin in the same boat and I know she, she tells the family I'm gonna do this, I wanna do this and she has that same problem. She gets there for one, two days and she, she dips or she does something goofy. Do you feel he was telling you guys that cause he wanted you guys to feel good or do you really in your heart so heart believe that Manuel wanted help and he wanted to get off the narcotics?

At times he, I, I think he wanted to get off of it. He was just too, too, too deep into it. Not only, not only the, the narcotics, it was the lifestyle.

WW: The girls.

The girls.

Yeah.

The women, these women like, I think that was his huge, the biggest thing was women. You know, when you're in jail for so long you know, you come out and these women are like throwing themselves at you but their loaded.

WW: They wanna get high, just with you.

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Yeah so I, you know and that was his biggest thing is, I mean he was always after ladies. I think that was his biggest, one of his biggest and money. You know he didn't and he didn't want to work for it. He didn't want to work hard for it and I always told him that, you gotta work at fuck'en Taco Bell for a little bit you know before you can...

Mmm hmm.

He always wanted a car and he always wanted you know and he would get enough money to buy one but not the right way, you know.

AY: Sure.

And I think that's what it was, it was the money, it was the women and it, it was, it was just that.

WW: He wanted that gangster lifestyle.

Right.

Unintell---

So he, he wanted to hustle because he knew he could hustle and get that.

WW: And he's obviously good at it. I mean he knew enough people to be good at it.

Mmm hmm.

When, well Manuel, when he's not on drugs, he's such a sweet person.

WW: Well he just...

He hugs me.

WW: He talked to [REDACTED] and he talked to you, and you guys are a good family. I mean I could only imagine when he's actually your boy Manuel, what he's like.

He's such a sweet person but the moment he does that stuff...

AY: Right.

There's another Manuel.

He had no preference on drugs, I'm pretty sure he took anything he could get his hands on.

Then ah, like the next day in the morning, he wakes up like, like nothing.

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AY: Now ah, speaking about waking up in the morning, did you ever know that or noticed that he, he was experiencing nightmares?

That no.

AY: At any time, not just this last time?

Ahhh I know he tends to

AY: Oh, was he?

Yeah I remember hearing he, he would say he would

Mmm hmm.

I you know, I think there was a lot of problems that went undiagnosed kind ah. I you know I honestly...

He never did unintell---

I honestly think he, I thought he was you know maybe

AY: Mmm hmm.

Maybe something in there. I mean there's, there's history and...

WW: When you incorporate the narcotics on that...

On top of that and it just...

AY: Unintell---

Mmm hmm.

WW: And then, then you have the, you know, if your liver and your, your kidneys aren't processing that stuff, well what, what kind of ah is that going to bring?

I think was always in pain too you know and, and whether...

Mmm hmm, that's for sure

Whether, whether it be withdraws or just physical pain from...

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AY: Sure.

■ The aftermath of, after effects of drug use and he always had stuff wrong with like his teeth, you know.

WW: What, where was that cause I noticed he had like some swelling to his cheek. What was that about?

■ I think his wisdom tooth was coming and he said...

■ He was complaining about that.

■ He was, it looked swollen huh?

■ Yes.

AY: The other side.

WW: The right, the right side, correct?

■ The right, yeah. He was complaining.

AY: So that was from a wisdom tooth that was coming out?

■ He said a wisdom tooth was coming out and it was really hurting him.

WW: Did you, I mean did you, I know when the, when I saw him when he was in the hospital, it was good and swollen and it was, it was, it was looked like maybe something was going on with his teeth, his...

■ Yes in the back.

WW: Yeah, it was right back here where this little jaw bone thingy's at, right?

■ Yeah.

■ Cause he even went like this, mom look, look. And I looked and ah...

■ I had asked him at the hospital about that too. They said it was probably too from trauma to the face when he hit the floor.

■ Yeah.

■ Umm.

■ Made it worse.

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■ You know, I don't know if the police had to drag him to the ground a few times or...

AY: Yeah.

■ Umm you know but they said it, most of the, most of the swelling to his face was from him hitting the floor.

WW: Okay.

■ Umm cause ah, his tooth didn't look too bad back there they said umm but it did look a little inflamed.

AY: Umm and as far as ah, unintell--- see anything here, anything that you think that we should know. Anything that we have not asked.

WW: On the terms of the narcotics, did you guys ever hear him talk about bath salts or anything like that?

■ No.

■ I don't think he ever messed with that stuff.

WW: No just smoking cigarettes and, and meth and that was...

■ Cigarettes and meth. I think that was...

■ And speedball.

WW: He told you he smoked that?

■ Ah yeah.

WW: Okay.

■ He told you he smoked a speedball?

■ Ah huh.

AY: Do you know what day that was ma'am?

■ Hmmmm.

AY: He's out on Wednesday, so he's out Wednesday, it's not Wednesday?

■ Ahhhh no.

AY: Was it the following day when he went out to dinner?

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■ Ahhh, he told me in the evening but ah...

■ On what day?

■ I don't remember.

AY: So it would have to have been Thursday or Friday?

■ Yeah.

■ Mmm hmm.

■ Oh I saw him Wednesday night.

WW: And that's when he said he wasn't feeling good?

■ He got out on Tuesday, right?

■ The 26th.

WW: I think he got out, no he said on the Wednesday.

■ No, 26th didn't he unintell---

■ I saw him on Wednesday.

WW: That's when he got out I think, right?

■ No I think he was out the night before.

■ No the 26th.

AY: He was out on the 26th?

■ Yes.

AY: Okay.

■ Because he told that's the day that they're gonna release him.

WW: And then you said on Wednesday...

■ Because I was supposed to pick him up.

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WW: The [REDACTED] were hurting.

[REDACTED] Right.

WW: And he didn't want to come, he didn't want, he wanted to spend time with your daughter but at that time he wasn't feeling good, up to it.

[REDACTED] Yeah, yeah.

WW: And then, so now we had the next day which would have been Thursday, Friday. Is it fair to say that's when he talked to you about smoking the speedball or doing the speedball was Thursday night, Friday night?

[REDACTED] Mmm hmm.

[REDACTED] I guess about there.

WW: Okay.

[REDACTED] Yeah. I mean it's such a small window. It has to be within that or...

AY: Okay well, as far as our side, our investigation is ongoing and ah, for your brother umm, as far as the investi... ah for the, the unintell--- is ongoing so to protect the interest of your brother, to protect the interest for our department, and to protect the interest of everybody involved, there's a lot of confidentiality involved in here.

[REDACTED] Ohh.

AY: Okay ah, we will be transparent when the time is right.

[REDACTED] Mmm hmm.

AY: Okay, you guys do have what you told me, you have a pretty accurate description of what happened although it is not a hundred percent.

[REDACTED] Mmm well.

AY: That's what I can tell you.

[REDACTED] We're trying.

AY: Okay? It's not a hundred percent.

[REDACTED] What, what can you guys tell us? I mean, you know cause I, for my mom's piece of mind, you know just what happened that night, you know.

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That's, I'm really unintell---

You guys don't have to get into like super detailed but you know, my mom wants to know whether or not he was you know, in pain or was he hurt at the time of the arrest. Well the time he was picked up and taken to the trauma.

AY: See that's, since you don't have those details, I can't right now...

Hmm.

AY: Disclose that to you.

Hmmmm.

AY: Okay but as far as where it started and where it ended, you have that right.

Right.

AY: Okay and that he was transported to UCSD ah Medical Center.

Mmm hmm.

AY: That is very accurate.

Also...

And, and at trauma, they didn't have any of his belongings. They said that...

WW: We, we collected his clothing and...

You guys collected that?

Everything?

AY: Evidence.

WW: Ah he had a tank top.

Yes.

WW: Some jeans and some shoes.

Ah Tim... Timberlands.

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WW: Yes ma'am, some brown boots?

AY: Brown boots, oh we have those.

Yes.

WW: Yes ma'am.

His wallet and the earring, I want ah the department to release it to me.

WW: I don't know, well right now, whatever we have impounded, we can't give you because of the investigation.

Oh.

WW: Once, once this is all said and done ma'am, well Detective Ybarra will get with you and, and...

AY: We're gonna stay in contact, all right. I'm gonna give you my cell phone as well.

Please when...

WW: Yes ma'am.

Everything is over.

WW: Yes ma'am.

I would like all of...

WW: Yes ma'am.

His belongings, his wallet and the earring. Well all of his belongings...

AY: Yes.

To be released to me.

Umm for, but I, they told me I needed his license or his identification card for insurance purposes.

AY: I can, I can get you a copy of his ah...

Okay copy.

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AY: Yeah I'll get you a copy.

█ Okay, do you know if he had his...

WW: Unintell--- I don't know, the wallet was there.

AY: No it, it was there.

WW: Okay.

█ Yeah that I, I spoke with the, one of the ladies. She said the wallet was...

AY: Yeah, oh no, I'll get you a copy so you'll get the number and everything.

█ Yeah umm just, just because of for insurances and ah for burial stuff and...

WW: Mmm hmm.

AY: I'll get, I'll get that for you.

█ That's what we're working on.

WW: Yes ma'am.

█ Yeah unintell---

AY: You know if I can just write my, my cell, I'll give you my cell phone number so, at any time you have any questions and I know right now...

█ I can call you, right?

AY: Yes ma'am. Call me direct, don't, don't go through the...

█ Oh okay.

█ Yeah ah...

WW: That's it.

█ Oh.

WW: Here you go.

█ Yeah they didn't, they didn't know much there at the hospital.

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■ No.

■ But what the officers told her.

WW: And the reason we do that is like Detective Ybarra says is to mainly protect your interest, our interest, and to get to the bottom of it. Umm...

■ This, this is very strange, all this.

■ I kind of, I kind of put the story together in my head, I just don't know...

WW: You're on the right track.

■ Yeah.

WW: You're on the right track.

■ I you know, I, I, from what I hear I, yeah I think he tried to hold up the deli or tried to rob them, they chased him out or there was a fight there maybe with the attendant. They tried to chase him out. There, they called the cops, the cops got there fast enough, he tried to ditch, you know, they got him.

■ Hmm.

■ They took him down. ■ This is kind of what I hear. They, they were ■ Ambulance showed up. ■ and...

WW: Like, like Tony said man, you have a whole bunch of it going.

■ Hmm.

■ Hmm.

WW: Ah there's a couple of pieces that we just can't tell you because...

■ All right.

WW: We can't provide that information.

■ Oh, oh that you...

WW: But you, you're, you're pretty darn close.

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AY: And ah, and as time comes and this information becomes where I can release this, some of the stuff to you, I'll make sure, I mean...

█ Please I would like to know.

AY: In the end, you will know what happened.

█ Yeah because...

AY: I can, I can guarantee you that, and we can give you our word that in the end, when this is all clear, when this is all settled...

█ Roughly do you know like how long this investigation, I mean did, I mean it's kind of hard to tell but you know he's already deceased and I mean you guys have your parts to take care of but...

AY: Yeah we, we'll probably have the bulk of it done in about three weeks.

█ Hmm.

AY: Okay but, that's still, that's still not the end I, there's still gonna be a lot more, a lot of other steps above our control, okay? So once it's all settled, once it's final, once stuff starts coming out cause there gonna, some of, some of this stuff is going to be public, it's public record.

█ Hmm.

AY: Some of it ah and as this thing comes by we'll be able to ah you know, again show transparency and tell you exactly what's accurate, what isn't and in the end, I can assure you that you'll find out what happened.

█ Okay.

AY: Okay?

█ Not that I'm gonna be wondering.

AY: It's not going to be a mystery guys.

█ Yeah.

AY: It's not going to be a mystery.

█ No.

AY: Okay.

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█ All right.

█ But umm...

AY: So let me...

WW: Do you, do you...

█ Do you have any questions, more questions?

WW: No, do you guys have anything that you guys want to ask other than obviously what you just did to ah unintell---

█ Ah well, if I remember anything, I will call you.

WW: Please.

AY: Please

WW: Please, please.

█ I will call you.

AY: Or if anybody calls you.

█ Oh okay.

AY: Looking for him.

WW: Cause ah, I'm tasked right now with tracking down the last three days and of, of...

█ Mmm hmm.

WW: From the time he got out till the time that he was arrested.

█ I mean a lot, a lot of his contacts that you have, I would, he knew a lot of drug people so, no, no, no the....

AY: Oh the front?

WW: Oh.

█ Some of those...

WW: █ and all those folks?

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█ Yeah, he knew a lot of people that...

WW: Well she's...

█ That pushed a lot of drugs around here.

WW: She'd probably be the first person I go find to talk to so, but like, like Tony says, if you get a phone call at you know, one in the morning, hey this is so and so, Manuel call me. Feel free to call him that next day and that's, that's something we can follow up on.

AY: It's very important

█ Oh, okay.

WW: Because the, you know, if folks are contacting him, that's somebody we need to talk to. Hey, I mean, you know, was he using narcotics? Was he sick? Was he saying that, did they recognize he, he was not feeling good. Was he, was something going on with him that we need to get to the bottom of and that's gonna be huge for us to be able to track those folks down and, and have them help us give you guys the piece of mind that you deserve.

█ I do know that he was in pain.

AY: Okay ma'am.

WW: That in itself is huge.

AY: What, what when, one last thing.

█ Hmm.

AY: When, when, when you mention █ that ah, he had █, right? Once he was transported to Paradise Valley Hospital, where was he the █ time? You said █ Do you remember that?

█ Oh, no my mom said █ I don't remember the other. I only remember that one time.

AY: Where was the second time ma'am? Who treated him?

█ Ah I don't know ah Manuel told me that ah he █ but ah brought him out of it.

█ He might have █d unintell---

AY: Oh maybe...

█ The first time they found him in the alley and they took...

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[REDACTED] That's the one.
 [REDACTED] Him to Paradise Valley Hospital.
 [REDACTED] That's the only one I know of.
 [REDACTED] And the, ah probation no, the P-O ah told me that yes he was, you know...
 [REDACTED] Who was he, who...
 [REDACTED] Garcia I think it was.
 [REDACTED] Who was he with that day he [REDACTED] and they found him in the alley?
 [REDACTED] Ah someone on ah, made a call anonymous ah to the cops.
 [REDACTED] I know but, who, who did he leave with that day cause I remember he left with somebody he knew. Was it with ah...
 [REDACTED] Around oh ah no ah, she's related to you. Ah [REDACTED]
 [REDACTED] Oh so it was a cousin of ours that she...
 WW: Do they off, do they live over off of about [REDACTED]? [REDACTED] She has a kid.
 [REDACTED]
 [REDACTED] Mmm yeah.
 WW: She has a boy named [REDACTED]
 AY: [REDACTED]
 [REDACTED] Yeah.
 [REDACTED] And a [REDACTED]
 WW: Yeah I know them.
 AY: Are you guys related to them?
 [REDACTED] Yeah.

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Well.

Yeah unintell--- uh my

WW: Which is?

Is her mother.

WW: What's her name?

WW: passed away.

Yeah cause she's no longer living.

passed away.

WW: She raised

Mmm hmm.

So you know they, they all if you know.

WW: She runs in that whole circle and there's a lot of heroin being used and a lot of methamphetamine being used.

Yes a lot of heroin.

WW: In fact...

That's what I was saying you know, they knew a lot of people.

WW: other son overdosed on heroin and died, correct?

AY: Was it

WW: I can't remember his name.

Yeah, yeah, yeah. Umm's brother.

Yeah

WW: yes, he overdosed on heroin and died, correct?

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Yeah.

Well from what I've heard, ah he went to the hospital for surgery.

She got like a family story.

But then he got out and then ah uh all of a sudden he collapsed in the middle of the floor, he couldn't breathe and they took him and he died.

WW: I know that family okay.

You might, I mean, I, I think [REDACTED] might have been, you know my, my, [REDACTED] family that you know like, he knew of them and they were actually, they weren't the people that they are now.

WW: No is your [REDACTED]

[REDACTED] he's deceased.

[REDACTED] was a heroin addict too.

He died ah in 19-97.

He tried to clean up, [REDACTED]

WW: Fought the fight, right?

And he died so much like Manuel.

They almost had the same death.

Yeah almost.

WW: Really?

Yeah.

AY: Geeze.

Huh.

WW: It just goes to show you what that stuff does to your system.

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Ahhh.

Two generations right there.

So now he's with his father and everyone else.

WW: You know what though, I mean, look at big picture, you know he's, you know he's safe now, he's, he's not hurting himself or anybody else.

But I want you to know that when he's not on, on drugs, he's a sweet guy.

WW: Great kid. Like I said, I remember him from high school. I'm almost, I'm my, I was telling these guys I'm 99 percent sure, I remember him being in high school, he was just a skinny goofy kid, lanky.

Yeah.

WW: Lanky, lanky, lanky kid and he was always trying to be a, a clown. Always trying to goof around.

Yeah funny guy.

Yeah.

WW: And I remember him, like I said, he's a couple of years younger than I am but I remember him.

Yeah.

Now [REDACTED] them are, are they, they still, I see them, I see her every like two years, two or three years wandering the streets...

WW: Moping around the city? (laughs)

Yeah.

Hanging out around like 8th and...

WW: You answered your own question.

(Everyone laughing)

She doesn't like guys no more.

WW: No ma'am.

AY: No ma'am.

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Well.

WW: Yes.

AY: Yes.

WW: It is what it is, right?

Mmm hmm.

Do you know if she, if she's locked up right now or...

WW: Ah we had her, talked to her what? A year and six months ago?

Ooooo.

AY: Let's end, let's end...

WW: Yeah.

AY: This interview. So it's thirteen after four and I'm, were ending this recording.
End of Tape

INVESTIGATION CONTINUED

On 12-06-12, Doctor J. Lucas from the San Diego Office of the Medical Examiner performed an autopsy on Martinez. Preliminary findings concluded no signs of major blunt force trauma. His preliminary conclusions were that Martinez died from an overdose of drugs; however, the type of drug overdose had not been determined and was pending the results from the toxicology report. Please refer to Detective Walters' supplemental report for additional details of the autopsy.

On 12-06-12, Detective Villariasa conducted a data download on both [REDACTED] Sergeant Meeks had serial # [REDACTED] and Officer Stinnett had serial # [REDACTED]. All to the deployments were consistent with the Officers statements. Please refer to Detective Villariasa's supplemental report for all the details reference the devices and data results.

On 12-10-12, at about 1315 hours, Detective Walters and I met with Officer Stinnett at NCPD Investigations briefing room. We sat down with Officer Stinnett to go over his initial statement. Our communication was video recorded using my department issued FLIP video recorder. The entire communication was recorded and is available for full review. Officer Stinnett was able to walk us through the entire event, he was involved with, and able to clarify positioning and locations. We did not find any inconsistencies with his statement. I later had his statement transcribed by NCPD Office Assistant Beatrice Gonzalez.

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